

LIFE CARE PLANS

2014 Judicial Conference

Panel Discussion

November 17, 2014

LIFE CARE PLANNER

At the beginning of the damages phase, the parties should discuss whether they can agree to use a single life care planner. A single life care planner offers many advantages. If the parties want to proceed jointly, they should inform the special master at an early status conference.

QUALIFICATIONS

- A transdisciplinary field
- Examples of Qualifications
- Certified nurse life care planners
- Rehabilitation nurses and counselors
- Certified Disability managers
- Doctors, psychologists, physical therapists

LIFE CARE PLAN IN GENERAL

Parties may agree to a joint life care plan

Regardless of whether petitioner is retaining his or her own life care planner or acting jointly with the respondent, the life care plan should be sufficiently detailed to permit the special master to evaluate the assumptions and conclusions of the life care planner.

FOUNDATION

- Life care plan should be based upon:
- Disability evaluation by physician and life care nurse or planner including listing of impairments, estimate of permanence, interviews with providers, petitioner and family, site visits, medical recommendations for treatment and care, review of medical records updated for current condition
- an understanding of human anatomy and
- physiology, pathophysiology, the health care delivery system, the role and function of various health care professionals, and clinical practice guidelines and
- standards of care. (Int. Acad. Of Life Care Planners)

LIFE CARE PLAN

Life care plan should be based on meeting the future needs of Petitioner

1. Medical care
2. Rehabilitation
3. Compensation for Goods and Services
 - Attendant care
 - Nursing care
 - Assistive equipment and home modifications
 - Medications

Medical Expenses

- The Vaccine Act (300-aa 15(a) provides for actual, UNREIMBURSABLE, costs for;
- Medical and remedial care
- Rehabilitation, developmental evaluation, vocational training and placement, case management services, counseling, behavioral or emotional therapy, special equipment, travel for care

Medical Care and Rehabilitation

For requested examinations, medications and medical tests, provide the following information:

- the basis for the request (a physician's recommendation, current usage, etc.);
- whether the level of need will change with age;
- the cost and how it was determined.

Rehabilitation Therapies

- Physical Therapy
- Occupational Therapy
- Speech Therapy
- Psychological Counseling for injured person
OR
- Comprehensive Program (in patient or out patient)

Rehabilitation Therapies

For each type of therapy or counseling requested, provide the following information:

- the frequency;
- The basis for the request (a physician's recommendation, current usage, etc.);
- whether the therapy is currently being provided;
- the cost and how it was determined.

Rehabilitation Therapies

- For a child:
- whether the therapy is provided by the school district through the Education of Individuals with Disabilities Act, 20 U.S.C. 1400 et seq., and, if not, why not;
- Otherwise same as an adult

In Patient or Residential Services

Residential Services. If residential services are requested, the following questions should be answered:

- How was the requested level of care determined?
- What facilities providing that level of care are available in the relevant state or region? (Provide, if possible, the names of contact persons and phone numbers for the facilities).

For each facility considered, the following information should be provided:

- the cost;
- the services included in the cost with a description of the level of these services;
- Duration of placement
- the reasons for accepting or rejecting an available facility.

Attendant Care

If attendant care is requested, provide the following information (or address the following issues):

- why the attendant care is necessary (e.g., respite care, medical monitoring, administration of medications, maintenance of equipment such as feeding tubes);
- how the number of hours was determined;
- the reasons for the skill level of attendant requested;
- the cost and how it was determined.

Home Modifications or Equipment

The Vaccine Act (300aa-15(c)) provides that compensation for residential care and services shall be sufficient to allow the person to remain living at home.

Items may include home modifications, assistive equipment, wheelchairs, vans etc.

FUTURE WAGE LOSS

- Depending on background, life care planner may or may not be qualified to render vocational loss testimony
- The Vaccine Act 300-aa-15a (3a &b) provides for future lost wages.

WAGE LOSS FOR ADULTS AND CHILDREN

- If person is over 18 at time of vaccine related injury actual and anticipated loss as determined by generally accepted actuarial principles
- If child is under 18 at time of vaccine related injury, loss of earnings determined based upon average gross weekly earnings of workers in the private, non farm sector, less appropriate taxes and average cost of a health insurance policy as determined by the Secretary.

Lost Wages Consideration

1. What are physical and cognitive limitations of petitioner
2. What are the educational and vocational background of petitioner if over 18.
3. What are the residual capabilities of petitioner
4. What are potential capabilities with rehabilitation
5. What is earnings history of petitioner